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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,207	10/29/1999	GREG G. KABENJIAN	98-0862	6923
32718	7590	04/07/2004	EXAMINER	
GATEWAY, INC. ATTN: SCOTT CHARLES RICHARDSON 610 GATEWAY DR., Y-04 N. SIOUX CITY, SD 57049			DARROW, JUSTIN T	
			ART UNIT	PAPER NUMBER
			2132	
			DATE MAILED: 04/07/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/430,207

Applicant(s)

KABENJIAN, GREG G.

Examiner

Justin T. Darrow

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 01/07/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,20,21,26,35,36,41,50,51 and 56 is/are rejected.
- 7) ☒ Claim(s) 3-6,8-19,22-25,27-34,37-40,42-49,52-55 and 57-68 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-68 have been presented for examination. Claims 16, 35, and 50 have been amended and new claims 65-68 have been added in an amendment filed 01/07/2004. Claims 1-68 have been examined.

Drawings

2. The drawings filed on 01/07/2004 are acceptable to the examiner and the draftperson.

Response to Arguments

3. Applicant's arguments, see amendment, Paper No. 5, pages 14-15, filed 01/07/2004, with respect to the rejections of claims 1-64 under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah, U.S. Patent No. 6,578,068 B1, have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of King, U.S. Patent No. 6,317,831 B1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 2, 7, 20, 21, 26, 35, 36, 41, 50, 51, and 56 are rejected under 35 U.S.C. 102(e) as being anticipated by King, U.S. Patent No. 6,317,831 B1.

As per claims 1 and 20, King discloses a method and a program of instructions for enabling a function of an information handling system configured for communication with a central system via a communication link (see column 7, lines 61-64; figure 2B, items 252, 254, and 260; the server is connected to the client A through a wideband channel A (WBC_A), comprising:

providing communication between the information handling system and the central system via the communication link (see column 8, lines 50-52; the exchange of security information is performed over a two-way channel);

requesting authentication via the communication link from the central system (see column 9, lines 9-19; figure 3, step 302; when a secure narrowband connection has been requested, security information containing keys and other cryptographic parameters used with encryption algorithms is exchanged, including public key encryption algorithms where

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authentication of the client to the server is inherent because, for the public key encryption algorithm to function, the server would have the client's public key and the client would send security information encrypted with the client's private key; see column 10, lines 15-16; figure 4, step 402; the client initially sending a request to a server) for enabling the function on the information handling system (see column 8, lines 55-56; receipt of secure data transfer); and upon receipt of the authentication from the central system (see column 9, lines 26-30; figure 3, step 306; the security information that has been exchanged is used to set up the secure connection over the narrowband channel), enabling the function to be performed independent of the communication link with the central system (see column 9, lines 36-37; figure 3, step 312; transmitting encrypted data over the narrowband channel for the client to receive independent of the wideband channel).

As per claims 2 and 21, King also suggests an identification of the information handling system (see column 2, lines 8-12; a message that contains an address that particularly identifies the mobile device).

As per claims 7 and 26, King alternatively describes:

upon failure to receive authentication from the central system (see column 11, lines 6-8; figure 4, step 410; when the secure session has not been established between the server and the client because of a public key mismatch connoting improper authentication), disabling the function (see column 11, line 9; figure 4, step 418; issuing an error notification that the function of transfer of encrypted data has been disabled).

As per claims 35 and 50, King illustrates information handling systems comprising:

a processor for executing a program of instructions on the information handling system (see column 4, lines 24-32; a cryptographic controller that controls encryption or signature of outgoing messages and controls decryption or authentication of incoming messages, operating to establish a secure connection over which it receives messages);

a memory coupled to the processor for storing the program of instructions executable by the processor (see column 4, lines 33-46; computer readable medium including program code for securely transmitting data between a client and a server over a narrowband channel, computer program code for connecting over a wideband channel; computer program code for cryptographically processing data); and

a communication device coupled to the processor for establishing a communication link between the information handling system and a central system via a network (see column 4, lines 11-16; wireless mobile devices that can exchange data with the server computes via the wireless carrier network); and

the program instructions capable of configuring the information handling system to request authentication from the central system via the communication link (see column 4, lines 52; computer program code for exchanging security information between the client and the server over a two-way channel; see column 9, lines 9-19; figure 3, step 302; when a secure narrowband connection has been requested, security information containing keys and other cryptographic parameters used with encryption algorithms is exchanged, including public key encryption algorithms where authentication of the client to the server is inherent because, for the

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public key encryption algorithm to function, the server would have the client's public key and the client would send security information encrypted with the client's private key; see column 10, lines 15-16; figure 4, step 402; the client initially sending a request to a server) for enabling a function (see column 4, lines 52-58; computer program code for cryptographically processing and transmitting data between the server and the client over the one-way channel enabling the client to receive and decrypt the data), and upon receipt of authentication from the central system, enabling the function, performed independently of the central system (see column 4, lines 26-27; computer program code for controlling the decryption or authentication of data received from the server independently of the server).

As per claims 36 and 51, King also suggests an identification of the information handling system (see column 2, lines 8-12; a message that contains an address that particularly identifies the mobile device).

As per claims 41 and 56, King alternatively describes:

upon failure to receive authentication from the central system (see column 11, lines 6-8; figure 4, step 410; when the secure session has not been established between the server and the client because of a public key mismatch connoting improper authentication), disabling the function (see column 11, line 9; figure 4, step 418; issuing an error notification that the function of transfer of encrypted data has been disabled).

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Allowable Subject Matter

6. Claims 3-6, 8-19, 22-25, 27-34, 37-40, 42-49, 52-55, and 57-68 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Telephone Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin T. Darrow whose telephone number is (703) 305-3872 and whose electronic mail address is justin.darrow@uspto.gov. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barrón, Jr., can be reached at (703) 305-1830.

The fax number for Formal or Official faxes to Technology Center 2100 is (703) 872-9306. In order for a formal paper transmitted by fax to be entered into the application file, the paper and/or fax cover sheet must be signed by a representative for the applicant. Faxed formal papers for application file entry, such as amendments adding claims, extensions of time, and statutory disclaimers for which fees must be charged before entry, must be transmitted with an authorization to charge a deposit account to cover such fees. It is also recommended that the cover sheet for the fax of a formal paper have printed "**OFFICIAL FAX**". Formal papers transmitted by fax usually require three business days for entry into the application file and consideration by the examiner. Formal or Official faxes including amendments after final rejection (37 CFR 1.116) should be submitted to (703) 872-9306 for expedited entry into the

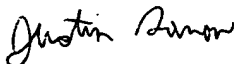
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application file. It is further recommended that the cover sheet for the fax containing an amendment after final rejection have printed not only **"OFFICIAL FAX"** but also **"AMENDMENT AFTER FINAL"**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

April 5, 2004


JUSTIN T. DARROW
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100